

ADMINISTRATIVE RULES

CHAPTER 15: BOARD OF SUPERVISORS' PROCEDURES

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CHAPTER 15: BOARD OF SUPERVISORS' PROCEDURES *Sec. 15.1DEFINITIONS:

- (a) "Board" shall be defined herein to mean the Placer County Board of Supervisors.
- (b) "Member" shall be defined to mean each person who is elected, or appointed to fill a vacancy, to serve on the Board of Supervisors.

Sec. 15.2MEETINGS:

- (a) Regular meetings of the Board shall be held on each Tuesday of each month at 9:00 a.m., or a later time as set by the Chairman, or on any other date and time as duly adopted by the Board. All regular meetings shall be held in the Board of Supervisors Chambers at the County Administrative Center, 175 Fulweiler Avenue, Auburn, California, except for approximately four (4) quarterly meetings to be held in the Lake Tahoe area, at such times and dates as set by the Chairman. If public interest so demands and the Chairman determines it is warranted, a regular meeting may be moved to a location accommodating a larger capacity for public attendance or set for an evening hearing.
- (b) Special meetings may be called by the Chairman, or in his/her absence, by the Vice-Chairman, provided notice is given as required by Section 54956 of the Government Code, and shall be limited to those items listed on the noticed agenda.
- (c) The Board may adjourn any regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, provided that order is publicly announced at the meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or special meeting was held within twenty-four (24) hours after the time of the adjournment.
- (d) Closed sessions shall be held only upon advice of legal counsel for those purposes permitted by state law.

* Resolution 97-131, 5-20-97, was adopting resolution.

CHAPTER 15: BOARD OF SUPERVISORS' PROCEDURESSec. 15.3CHAIRMAN:

- (a) The Chairman, or Chairperson, shall act as a presiding officer, shall be selected by a majority vote of the members at the first regular meeting in January of each year, and shall serve for one year so long as the individual selected continues to be a member or unless removed by a vote of three members at a regularly scheduled meeting.
- (b) A Vice-Chairman shall be selected and retained by the same process and shall act as presiding officer in the absence of the Chairman.

Sec. 15.4CONDUCT OF MEETINGS:

- (a) The Chairman shall preside at all meetings and in his/her absence the Vice-Chairman shall preside. When both are absent, those in attendance shall select an acting Chairman for that meeting by a majority vote of those present.
- (b) A meeting may be opened, continued and adjourned by the Chairman at his/her discretion, or by a vote of three members.
- (c) Any action or decision by the Chairman may be reversed only by a vote of three members.
- (d) The order of business shall follow the final agenda for the meeting, provided that the Chairman or the members by majority vote may deviate from the order so long as notice is announced to the public during the meeting. However, public hearings noticed for a fixed time on the agenda shall proceed at the time fixed or as soon thereafter as is permitted by the business, or continued to a time fixed by vote of three members.
- (e) Actions and decisions shall result from a motion followed by a second and passed by at least three members.
- (f) The Chairman may propose or second a motion without relinquishing the chair to the Vice-Chairman or any other member acting as temporary Chairman.

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- (g) While the Board is in session, the members must preserve order and decorum. No member shall, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member while speaking or refuse to obey the orders of the Board or its presiding officer.
- (h) Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board shall be forthwith barred from the meeting by the presiding officer, unless permission to continue is granted by a majority of the Board.
- (i) Persons addressing the Board shall step up to the podium and shall give their name and address in an audible tone of voice for the record. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than a member of the Board and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer. For items not on agenda, a person shall be limited to three (3) minutes of comment, unless such time is extended by the presiding officer, or by a vote of three (3) members. For items on agenda each person and/or speaker is limited to five (5) minutes of comment unless time is extended by the presiding officer. The Chairman may rule out of order any repetitive comments made by a member of the public, either during the public comment period, during public comment on any agenda item, or during any public hearing.
- (j) Whenever any group of persons wishes to address the Board on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Board and, in case additional matters are to be presented at the time by any member of said group, to limit the number of persons so addressing the Board, so as to avoid unnecessary repetition before the Board. The Chairman may set a time limit for each side of any issue. Any video to be presented must be submitted at least twenty-four (24) hours in advance of the meeting to allow for preview and arranging for equipment if needed.

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- (k) As a courtesy to all, and for efficiency to the Board and to others who have business before the Board, the Board shall attempt to strictly comply with its announced timing of agenda items to the extent reasonably possible. The Chairman shall have discretion to implement this rule in a manner so as not to violate due process of any applicant or appellant before the Board of Supervisors or to unfairly and unreasonably limit or restrict public comment and/or debate. However, neither the public, persons who have business before the Board, nor the Board or its staff is required to entertain burdensome, repetitive, or irrelevant comments.

Sec. 15.5QUORUM:

- (a) A quorum shall consist of three members. However, no action requiring a vote shall be effective unless passed by vote of three members. An additional number of votes may be required when mandated by law.
- (b) In the absence of a quorum a meeting may be cancelled, continued or relocated by the Chairman, or by the Clerk at the direction of the Chairman or Vice-Chairman in his/her absence, provided that:
 - (1) Notice of the action is given to all members, the media and the public as required by State law; and
 - (2) Notice is posted at the time and place of the meeting.
- (c) The Chairman, in conjunction with the Clerk of the Board of Supervisors and/or the County Executive Officer, or his or her designee(s), may cancel any regular meeting for which no public hearing has been set in compliance with state law, if there is a general lack of business or urgency for action by the Board of Supervisors. The Board may, but is not required, discuss its future scheduling requirements at or during its luncheons on regular business days. Any such agenda scheduling shall thereafter be appropriately noticed in a timely fashion by the Clerk of the Board of Supervisors.

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The failure of staff with the approval of the Chairman to timely produce and distribute an agenda consistent with the requirements of state law shall be deemed notice of a cancellation of a regular meeting, but shall not preclude the noticing of a special meeting and/or emergency meeting consistent with other requirements of state law.

Sec. 15.6VOTING:

- (a) When a vote is called for by the Chairman, silence shall constitute an aye vote of members present.
- (b) A member may change his/her vote at any time prior to the next vote of the Board after which his/her vote shall be permanently recorded.
- (c) A member with a conflict of interest as defined by the law of California involving the subject matter of any item before the Board shall declare such conflict in public and abstain from participation in deliberations and from voting thereon. Such member may not participate in public comment on the item. A remote conflict of interest of a member must also be declared, but shall not prevent voting or deliberation by the member unless the conflict is ruled to be a direct conflict by the Chairman or by a vote of the Board. Abstention under this rule, however, will not cure a contract made in violation of Government Code Section 1060, any such contract is void.
- (d) Where the number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same, a member present but abstaining because of a conflict may vote as allowed by the general law.
- (e) Except as provided above, motions having insufficient votes due to absence or abstention, fail. If the subject matter is an appeal to the Board from a lower administrative hearing, a tie vote on each side of the question shall result in no change to the decision appealed.

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- (f) A member may abstain from voting on any matter at any time.
- (g) A member may raise an objection to the procedure at any time, and when called upon shall state the basis of the objection. The Chairman shall rule on the objection but may be overruled by a majority vote of the Board. Action on the objection shall take place before the further action of the Board.
- (h) At any time prior to adjournment of the meeting a motion may be passed by vote of three members to reconsider, revise, amend or rescind any action made at that meeting, consistent with due process and provided that matters subject to public hearing notice requirements shall require new notice prior to further action on such matters.
- (i) At any time prior to the effective date of any official enactment, the body by majority vote may rescind such action, provided notice is given in advance if required by law.
- (j) After the effective date of any enactment the body may repeal the enactment but such repeal shall operate prospectively only.
- (k) A motion may be tabled by majority vote to be taken up either at a date and time certain or after a vote to consider the motion is passed.

Sec. 15.7AGENDAS:

- (a) The Agendas for all meetings shall be prepared by the Clerk of the Board at the direction and under the control of the Chairman, with the assistance of the County Executive Officer, County Counsel, the Personnel Director and the Administrative Assistant for the Board, including the scheduling, handling and order of all matters appearing thereon. Any decision of the Chairman may be overruled by a majority vote of the members at a meeting.

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- (b) The deadline for submission of agenda items shall be fixed and announced by the Clerk of the Board. The deadline shall be set at a time after the last meeting, but with sufficient time for staff prior to the next meeting to allow for the preparation of the agenda and support documents. Late items may be accepted or refused at the discretion of the Chairman. Any member may put an item on agenda without approval of the Chairman, but otherwise consistent with this rule. However, if after consulting with staff, the Chairman determines insufficient time is available to properly review and present an item, the Chairman may direct the item go onto a later agenda.
- (c) Staff submitting agenda items shall prepare and submit to the Clerk of the Board of Supervisors after review by the County Executive Officer an original and sufficient copies of all supporting written material prior to the agenda deadline.
- (d) Items submitted for routine action shall be so identified by the submitting party and scheduled as items for the "Consent Calendar" at the discretion of the County Executive Officer under the direction of the Chairman. "Routine items" shall include matters that are repetitive, non-controversial, ministerial, or procurement items involving purchases of less than \$250,000. Prior to a motion and a second on consent items, any member may request an item be pulled for discussion at a later time; otherwise approval of the consent agenda items shall be acted upon without further discussion. Public comment shall be allowed on any consent item before action of the Board. If a Board member intends to ask for the removal of an item set for consent, the member is encouraged to so advise the Chairman at least twenty-four (24) hours before the meeting, unless it is a special meeting or an emergency meeting made with less than twenty-four hours' notice. The member should attempt to resolve any and all questions or uncertainties the member has about the item through inquiries to staff before the meeting. It is the expectation of the Chairman when he/she sets matters on consent that staff may not be present to discuss the item.

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- (e) Closed sessions shall be noticed as required by the Government Code. Prior to holding any closed session, the Board shall disclose, in an open meeting, the item or items to be discussed in closed session. The disclosure may take the form of a reference to the item or items listed on the agenda. The Board shall report any action taken in closed session as required by the Government Code.

Sec. 15.8MINUTES:

- (a) Minutes for public session shall be prepared by the Clerk of the Board under the control and direction of the Chairman and shall be subject to approval by the body. Minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.
- (b) Minutes shall be published and preserved as required by law.
- (c) An audio tape recording shall be made of all Board meetings where votes are taken and decisions reached except closed sessions. The Chairman in his/her discretion may direct that workshops, agenda planning meetings or routine meetings to discuss scheduling not be taped. Audio tape recordings are to be kept for a minimum of five (5) years, after which they may be reused, recycled or destroyed. At the Chairman's direction, a court reporter may be designated to record public hearings and this record will be the official record of the meeting. The Chairman may delegate this duty to the County Counsel or his/her designee. The failure to tape or record any meeting because of mechanical difficulties or otherwise shall not invalidate the proceedings.

CHAPTER 15: BOARD OF SUPERVISORS' PROCEDURESSec. 15.9RECORDS AND DOCUMENTS:

- (a) All Resolutions, Contracts and other official documents representing actions and decisions by the body shall be preserved and published as required by law.
- (b) A permanent record shall be retained by the Clerk of the Board of all public meetings of the Board.
- (c) All official documents representing actions or decisions by the body shall contain a record of the vote on the item and the signature of the Chairman or person presiding, attested by the Clerk or Secretary.

Sec. 15.10 HEARING PROCEDURE:

- (a) This section shall apply to all public hearings required to be conducted by law. Except as expressly provided in this section, the other provisions of these procedures shall also apply. All hearings required for the adoption, modification or repeal of a regulation under Government Code section 65850 et. seq. (Land Use) shall be noticed in compliance with Government Code section 65854.
- (b) The order of presentation shall be:
 - (1) Opening of public hearing by presiding officer, announcement of allotted time for hearing, time per side, and time for individual comment
 - (2) Presentation by staff/confirmation of notice by staff
 - (3) Presentation by applicant or appellant
 - (4) Presentation by opposition
 - (5) Acceptance of public comment/testimony
 - (6) Factual corrections (not rebuttal) by staff, applicant or appellant (in the presiding officer's discretion)
 - (7) Summary and recommendations by Staff
 - (8) Board questions of Staff
 - (9) Closing of public hearing by presiding officer with or without motion, second or vote
 - (10) Board debate
 - (11) Board action

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- (c) All letters, written materials, studies, reports, or other documentary evidence exceeding the length of a single page should be delivered to the Clerk of the Board of Supervisors at least twenty-four (24) hours before the commencement of the beginning of the meeting in which a public hearing has been set. Specifically, the twenty-four hour period should commence before the beginning of the regular meeting, and is not twenty-four hours before the time set for the public hearing. All notices of appeal to the Board should include reference to this rule, and all notices to the public shall include reference to this rule. Upon receipt of any such material, the Clerk of the Board shall attempt to distribute copies to the members of the Board, staff, and representatives of the applicants or appellants as is reasonably possible. However, the failure of the Clerk to deliver such materials to the applicants or appellants will not void the decision at the hearing or require a continuance of the hearing. Any materials submitted at the time of the public hearing in violation of this rule may be ruled out of order by the Chairman or by a majority vote of the members of the Board. In any ruling on the relevancy of such materials, the Chairman and/or the Board members shall keep in mind that the purpose of this rule is to provide an opportunity to be heard as required for due process for any applicant/appellant having matters heard before the Board. The receipt of lengthy written comment without an opportunity for parties or staff to review, consider, rebut and comment on such materials before the close of public hearing may be deemed by the Board to be inconsistent with the due process rights of the appellant/applicant in that it precludes a reasonable opportunity to consider and respond to such evidence.

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- (d) The Board may ask questions of staff or anyone who testified prior to the close of the public hearing. Board members shall refrain, to the greatest extent possible, from asking questions after the hearing has been closed. However, Board members may ask questions of staff, and of staff only, after close of public hearing. If, in the determination of the Chairman, staff's comments add new matter, not previously discussed, further comment by those with a property interest which may be effected by the comments of staff may be allowed by the Chairman under terms deemed appropriate and fair by the Chairman.
- (e) For the efficiency of the meeting and the business of the Board, the Chairman may temporarily close a public hearing and later reopen it without the vote of the members of the Board as long as such a procedure is clearly announced. Any interim closing of a public hearing by the Chairman is subject to being overruled by a vote of the majority of the members of the Board of Supervisors. Any motion to set aside the decision of the Chairman to temporarily close a public hearing must be entertained by the Chairman immediately upon request of a member, if seconded, and after debate on the question, a call for the question shall be concluded before taking any further action on the agenda including adjournment.
- (f) The presiding officer shall formally close the hearing prior to any motion being made, and shall take care to note whether a hearing is closed on an interim basis or completely.
- (g) Board members shall not express opinions on the application, or indicate the manner in which they intend to vote, until after the presiding officer has closed the public hearing and Board debate has begun.

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